

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

TRANSPERFECT GLOBAL, INC.,
TRANSPERFECT TRANSLATIONS
INTERNATIONAL, INC., and
TRANSLATIONS.COM, INC.,

No. C 10-2590 CW

ORDER FOR FURTHER
BRIEFING

Plaintiffs,

v.

MOTIONPOINT CORP.,

Defendant.

_____ /

Plaintiffs TransPerfect Global, Inc.; TransPerfect
Translations International, Inc.; and Translations.com, Inc.
(collectively, TransPerfect) move for an order to show cause why
Defendant MotionPoint Corporation should not be held in civil
contempt for violations of this Court's permanent injunction
prohibiting infringement of TransPerfect's U.S. Patent No.
6,857,022, the Scanlan patent.

On April 2, 2015, the Court held a hearing on the matter.
Following the hearing, the Court ordered MotionPoint to provide
TransPerfect with documentation of its compliance monitoring and
to submit declarations or other documentation attesting to its
control of the implementation of the re-design. The parties were
further directed to file briefs addressing the documentation
produced by TransPerfect.

In its post-hearing briefing, MotionPoint states that it has
already rolled out TransMotion 3.0, its further re-design

1 fashioned to address both the JavaScript and reliability concerns.
2 According to MotionPoint, the confirmation pop-up appears whether
3 or not JavaScript is enabled. Travieso April 30, 2015 Dec.,
4 Docket No. 599, at ¶ 24-33. In addition, MotionPoint contends that
5 TransMotion 3.0 is less susceptible to technical failures and that
6 its "automated scripts now visit customer websites twice per day
7 on average" to ensure that the re-design is working properly. Id.
8 at 24-37.

9 TransPerfect argues that this is not sufficient. It
10 describes MotionPoint's contention that its latest re-design is
11 less susceptible to failure as a "conclusory assertion."
12 TransPerfect Brief, Docket No. 616 at 8. MotionPoint does not
13 respond to this argument in its brief and simply cites to the same
14 portions of Travieso's declaration that TransPerfect contends are
15 deficient. TransPerfect further argues that MotionPoint's
16 automated scripts are deficient because they fail to catch all
17 pop-up failures that are identified by other reports or manual
18 testing.¹ Again, MotionPoint does not respond to TransPerfect's
19 arguments.

20 MotionPoint has failed to provide sufficient information to
21 determine whether its further re-design coupled with its automated
22 scripts are sufficient to prevent future non-compliance.
23 Accordingly, MotionPoint is directed to provide additional
24 information detailing the re-design and how it prevents
25

26 ¹ The Court notes that TransPerfect's citations for this
27 proposition and many others in its briefs are to entire documents,
28 which comprise hundreds of pages. Such citations do little to
assist the Court in assessing the merits of its arguments.

1 infringement. In addition, MotionPoint is directed to provide
2 further information regarding its automated scripts, their
3 efficacy and how frequently they check each website. Within one
4 week of the date of this order, MotionPoint shall file a brief of
5 no more than ten pages along with supporting declarations
6 providing this information. Transperfect shall file a responsive
7 brief of no more than ten pages within one week thereafter.

8 IT IS SO ORDERED.

9 Dated: July 6, 2015



CLAUDIA WILKEN
United States District Judge